CWP No.324 of 2006.

14.5.2007 Present: Mr. Anand Sharma, Advocate for the petitioner.

Ms. Ranjana Parmar, Advocate for respondent No.1.

Mr. M.S. Chandel, Advocate General with Mr. M.A. Khan and Ms. Meenakshi Sharma, Dy. As. G. for respondents No.2 and 4.

Mr. N.K. Thakur, Advocate for respondent No.3.

Despite notice issued to respondent No.3 by this Court on 15th May, 2006, the respondent No.3 has not chosen to file reply. The right to file reply by respondent No.3 is closed.

Notice was issued to respondent No.3 by Municipal Council, Chamba on 4th January, 2006 whereby he was specifically directed under Section 211(D) of H.P. Municipal Act, 1994 to alter the building within 7 days from the receipt of notice.

In sequel to notice dated 4th January, 2006, the respondent No.3 filed his reply on 14th January, 2006 pursuant to which order dated 9th March, 2006 (Annexure R-4) was passed by the Executive Officer, Municipal Council, Chamba to the following effect:-

> **"The matter was placed in the meeting of the house which confirmed the notice issued by the Executive Officer, Municipal Council, Chamba and decided for taking further necessary action for alteration of deviation under H.P. Municipal Act, 1994. In compliance of resolution No.3 dated 7/3/2006, I hereby order to alter the deviation / unauthorized construction i.e. foundation beam measuring 16' length along-with RCC Column 14' height on alleged Govt. land at Mohalla Sapri, Chamba town within 7 days from the receipt of this notice."**

The respondent No.3 has sent a letter to the Executive Officer, Municipal Council, Chamba on 16th March, 2006 stating specifically therein that he has constructed his residential building as per approved map and the foundation beam raised by him was removed and the approach to his building from M.C. road laid as directed by Municipal Engineer, Municipal Council, Chamba. He has further stated in his letter dated 16th March, 2006 that he had removed all chajjas and projections as per the direction of Municipal Engineer, Municipal Council, Chamba.

To verify whether the order dated 9th March, 2006 has been implemented as per the contents of the reply filed by respondent No.3, the Municipal Engineer had visited the spot. The report of the Municipal Engineer dated 1.4.2006 is to the effect that "Shri Naginder Kaushal has not removed the unauthorized construction. He has not done the construction work as per sanction and approved drawing." Thereafter the Executive Officer has passed the following order on 28.4.2006:-

> **"Order stands issued for the same get the same altered with the help of police."**

Admittedly, this order dated 28th April, 2006 has not been implemented till date.

Confronted with this, Ms. Ranjana Parmar undertakes to implement the order dated 28th April, 2006 within two weeks from today. Needless to add that the orders passed by the statutory

authorities are to be implemented and the persons who raise unauthorized construction have to be dealt with sternly. The Executive Officer of Municipal Council, Chamba is directed to file his personal affidavit of compliance within three weeks.

Copy **Dasti.**

May 14, 2007. (Rajiv Sharma)
(sck) Judge